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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,658	04/23/2001	James C. Lu	103167-0002	5015
24267	7590	09/14/2004		EXAMINER
CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			SORRELL, ERON J	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/840,658	LU ET AL.
	Examiner	Art Unit
	Eron J Sorrell	2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 and 19-27 is/are rejected.
- 7) Claim(s) 10-18 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/13/01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 9 and 27 recites the limitation "the packaging server" at line 6 of both claims. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 5, 8, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Patent No. 6,487,718 hereinafter "Rodriguez") in view of Neal (U.S. Patent No. 6,192,518).

6. Referring to claims 1-3, Rodriguez teaches a computer-based method for duplicating, onto one or more selected target computers, a software system installed on a source computer the method comprising:

retrieving an image of the source computer (see lines 10-50 of column 6);

transmitting the image from the source computer to an installation engine (see lines 10-50 of column 6; note the installation engine is the server);

recreating at the installation engine in an imaging area the software system of the source computer system based on information in the image (see lines 10-50 of column 6); and

installing the recreated software system on the selected target computer systems (see paragraph bridging paragraphs 6 and 7; see lines 20-21 for selecting a target computer).

Rodriguez fails to specifically teach the limitation that the image contains at least hardware configuration information of the source computer, disk partitioning information of the

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source computer, a list of files installed on the source computer including the full file name of the file and file attribute information associated with the file, and operating-system-specific information of the source computer, however Rodriguez does teach the image comprising the entire operating environment of the computer (see lines 26-50 of column 6).

Neal teaches, in an analogous system, the above limitation (see lines 40-67 of column 7).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Rodriguez with the above teachings of Neal. One of ordinary skill in the art would have been motivated to make such modification because Rodriguez teaches the image can comprise the entire operating environment of the computer.

7. Referring to claim 5, Neal teaches reporting the status of the each target computer's installation of the recreated software system (see lines 35-39 of column 5).

It would have been obvious to modify the method of Rodriguez with the above teachings of Neal. One of ordinary skill in the art would have been motivated to make such modification in order to report any errors to the user.

8. Referring to claim 8, Rodriguez as modified by Neal teaches the step of recreating of the software system of the source computer further comprises:

initializing the imaging area based on the disk partition information (see lines 10-50 of column 6 of Rodriguez);

for each file listed in the list of files, acquiring a copy of the file and writing the copy of the file to the imaging area (see lines 10-50 of column 6 of Rodriguez); and

copying operating-system-specific information of the source computer to the imaging area (see lines 10-50 of column 6 of Rodriguez).

9. Referring to claims 20-22, Rodriguez teaches a computer-based method for creating an image of a first computer and saving the image on a second computer system the method comprising:

at the first computer, creating an image of the first computer (see lines 10-50 of column 6);

sending the image to the second computer (see paragraph bridging columns 6 and 7); and

at the second computer, storing the image in a database that is accessible by the second computer (see paragraph bridging columns 6 and 7).

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Rodriguez fails to teach the image identifying at least the hardware configuration of the first computer, a list of files installed on the first computer including the full name of the file and the attribute information associated with the file, and operating-system-specific information of the first computer.

Neal teaches, in an analogous system, the above limitation (see lines 40-67 of column 7).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Rodriguez with the above teachings of Neal. One of ordinary skill in the art would have been motivated to make such modification because Rodriguez teaches the image can comprise the entire operating environment of the computer.

10. Referring to claim 23, Rodriguez teaches the step of selecting the first computer system from a plurality of computer systems (see lines 17-23 of column 3).

11. Claims 4,9, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Neal as applied to claims 1-3,5,8, and 20-23 above, and further in view of Mund et al. (U.S. Patent No. 6,721,846 hereinafter "Mund").

12. Referring to claim 4, the combination of Rodriguez and Neal fails to teach the method comprising retrieving the image from a database.

Mund teaches, in an analogous system, the above limitation (see lines 30-45 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Rodriguez and Neal with the teachings of Mund. One of ordinary skill in the art would have been motivated to make such modification to reduce the amount of time and network traffic required in transferring an image as suggested by Mund (see lines 40-42 of column 1).

13. Referring to claims 24-26, Rodriguez teaches a method for recreating the software system of a source computer onto an installation engine, the method comprising:

retrieving an image of the source computer (see lines 10-50 of column 6);

transmitting the image from the source computer to an installation engine (see lines 10-50 of column 6; note the installation engine is the server);

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recreating at the installation engine in an imaging area the software system of the source computer system based on information in the image (see lines 10-50 of column 6); and installing the recreated software system on the selected target computer systems (see paragraph bridging paragraphs 6 and 7; see lines 20-21 for selecting a target computer).

Rodriguez fails to specifically teach the limitation that the image contains at least hardware configuration information of the source computer, disk partitioning information of the source computer, a list of files installed on the source computer including the full file name of the file and file attribute information associated with the file, and operating-system-specific information of the source computer, however Rodriguez does teach the image comprising the entire operating environment of the computer (see lines 26-50 of column 6).

Neal teaches, in an analogous system, the above limitation (see lines 40-67 of column 7).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Rodriguez with the above teachings of Neal. One of ordinary skill in the art would have been motivated to make such modification because Rodriguez teaches the image can comprise the entire operating environment of the computer.

The combination of Rodriguez and Neal fails to teach the method comprising retrieving the image from a database.

Mund teaches, in an analogous system, the above limitation (see lines 30-45 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Rodriguez and Neal with the teachings of Mund. One of ordinary skill in the art would have been motivated to make such modification to reduce the amount of time and network traffic required in transferring an image as suggested by Mund (see lines 40-42 of column 1).

14. Referring to claims 9 and 27, the combination of Rodriguez and Neal fails to teach the step of acquiring a copy of the file further comprises:

if the file exists on the storage subsystem of the installation engine, retrieving the file from the storage subsystem at the installation engine; and

if the file does not exist on the storage subsystem of the installation engine requesting a copy of the file from the packaging engine.

Mund teaches the above limitation (see lines 8-32 of column 4; Note the image storage is the packaging server).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Rodriguez and Neal with the teachings of Mund. One of ordinary skill in the art would have been motivated to make such modification to ensure all of the files needed are available.

15. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Neal as applied to claims 1-3, 5, 8, and 20-23 above, and further in view of Jenevein et al. (U.S. Patent No. 6,615,365 hereinafter "Jenevein").

16. Referring to claim 7, the combination of Rodriguez and Neal teaches transferring the image in a compressed form (see Neal, lines 44-67) however the combination fails to teach the image being transmitted in an encrypted form also.

Jenevein teaches transmitting the image in an encrypted form (see lines 5-27 of column 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Rodriguez and Neal with the teachings of Jenevein. One of ordinary skill in the art would have been

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motivated to make such modification in to provide extra security in transferring the images.

17. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Neal as applied to claims 1-3,5,8, and 20-23 above, and further in view of MacInnis (U.S. Patent No. 6,487,723 hereinafter MacInnis).

18. Referring to claim 6, the combination of Rodriguez and Neal fails to teach the method further comprising the step of determining hardware compatibility of the target computer with the source computer by comparing at the installation engine the hardware configuration information identified in the image to the hardware configuration of the target machine.

MacInnis teaches a method for remote installation of software comprising the above limitation (see lines 32-43 of column 7).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Rodriguez and Neal with the above teachings of MacInnis. One of ordinary skill in the art would have been motivated to make such modification in order to determine if the

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source and target machines are compatible as suggested by MacInnis (see lines 32-43 of MacInnis).

19. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Luu (U.S. Patent No. 6,324,690).

20. Referring to claim 19, Rodriguez teaches a system comprising:

a source computer system coupled to a communication network (see item labeled 402 in figure 4A);

an intelligent installation server coupled to a communication network (see item labeled 400 in figure 4A);

a means for selecting the source computer from system from a plurality of source computer systems (see lines 17-23 of column 3);

means for selecting recreating the software system of the source computer from information provided by the image provided at the intelligent installation server (see lines 10-50 of column 6);

Rodriguez fails to teach teaches a deployment console coupled to a communication network, an imaging a packaging server coupled to a communication network, a plurality of target

workstations, means for creating and storing an image of software system installed on the selected source computer at the imaging and packaging server, means for selecting the plurality of target computers at the deployment console, and means for installing the recreated image in the selected plurality of target computers.

Luu teaches a deployment console coupled to a communication network (see item labeled 201 in figure 2);

an imaging a packaging server coupled to a communication network (see item labeled 206 in figure 2);

a plurality of target workstations (see items labeled 202-204 in figure 2);

a means for creating and storing an image of software system installed on the selected source computer at the imaging and packaging server (see lines 33-61 of column 6);

means for selecting the plurality of target computers at the deployment console (see paragraph bridging columns 6 and 7); and means for installing the recreated image in the selected plurality of target computers (see paragraph bridging columns 6 and 7).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Rodriguez with the teachings of Luu. One of ordinary

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skill in the art would have been motivated to make such modification in order to allow the distribution of application software to user's computers automatically at any time without user intervention as suggested by Luu (see lines 1-14 of column 2).

***Allowable Subject Matter***

21. Claims 10-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to show the state of the art as it pertains to remote software installation:

U.S. Patent No. 6,144,922 to Turpin teaches transmitting images of a source computer to a plurality of destination computers;

U.S. Patent No. 5,421,009 to Platt teaches a method for remotely installing software from a central computer;

U.S. Patent No. 5,933,647 to Aronberg et al. teaches a deployment console, and an installation server for remotely installing software on selected target computers;

U.S. Patent No. 6,286,041 to Collins, III et al. teaches a installation and packaging server.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J Sorrell whose telephone number is 703 305-7800. The examiner can normally be reached on Monday-Friday 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on 703 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

**Effective October 13, 2004, the examiner can be reached at 571 272-4160 and the examiner's supervisor can be reached at 571 272-4146.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEFFREY GAFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

EJS  
September 10, 2004